

Democrats Look to a Rescue Man

March 1, 1997

National Journal

As Democrats reel from new revelations of the tawdry -- and potentially illegal -- 1996 campaign practices of President Clinton and his White House aides, they may have found at least a silver lining in their growing showdown with congressional Republicans pushing for more information.

With little notice, Rep. Henry A. Waxman of California has emerged as a formidable figure seeking to provide some order and accountability to the embryonic investigation by the Government Reform and Oversight Committee, where he is the new ranking Democrat. Waxman may be like the proverbial Dutch boy with his finger in the crack of a leaking dike. But his proven skills in congressional oversight plus his familiarity -- and growing disgust -- with campaign finance techniques could help Democrats trying to staunch the gush of bad news.

Waxman has made it clear that he wants a full-blown inquiry and that he will be no toady for the White House. But he has focused his efforts on getting Republicans to adopt proper oversight procedures. Taking his customary backroom approach and avoiding the television talk shows, Waxman has urged Dan Burton, R-Ind. -- the new chairman of the Government Reform panel -- to take an evenhanded approach. The Republicans contend that Congress must investigate allegedly illegal campaign practices before addressing possible reforms.

Waxman disagrees. "This is an important investigation for Members and the public to understand just how broken the campaign finance system is and how desperately we need changes," Waxman said in a Feb. 25 interview. "But if it's only partisan, the public will say it's a food fight and to hell with Congress. I fear that some Republicans see this as an opportunity to get Clinton."

Since Jan. 24, Waxman has sent Burton eight letters in which he has consistently urged cooperation but has also accused the chairman of a seemingly endless litany of unfair actions. In the letters, which Waxman has made public, he raised such concerns as the scope of Burton's authority to issue subpoenas and to release information, the budget for the committee's Democrats and the handling of witnesses at hearings.

Waxman has been known primarily for his bipartisan legislative accomplishments on issues from expanded Medicare and Medicaid services to the 1990 Clean Air Act. But he has also run tough, sometimes partisan, investigations. As chairman for 16 years of the old Energy and Commerce Subcommittee on Health and the Environment until Democrats lost their majority in 1994, he held extensive hearings, for example, on the tobacco industry and Bush administration deregulation efforts.

"Henry's a pro," a House Democratic leadership aide said. "He's a master at parliamentary issues, at strategy and in substance. He'll have an impact.." Waxman also benefits from the active role of Philip Schiliro, his longtime aide who has also become the committee's minority staff director. Schiliro acquired a political dimension with his two unsuccessful bids for a House seat on Long Island.

Republicans have been more than a bit wary of Waxman's extended hand, and some have sought to turn his partisanship charges against him. At a Feb. 25 news conference, House Majority Leader Richard K. Armey, R-Texas, supported Burton's handling of the investigation and questioned Waxman's good faith. "If two months ago, you asked me to give a prediction of something that Waxman would say early, [I'd respond] that he would say this," Armey said.

While making some effort to reach out to Waxman, Burton has shown that he will not be encumbered by the need to secure Waxman's approval at each step. Burton has insisted on retaining the chairman's

option of acting unilaterally "in unusual circumstances, which would be very rare," he wrote in a Feb. 19 response to Waxman. Burton added that Waxman dropped his insistence that the two of them concur on a subpoena. "We shook hands and I thought the matter was resolved" before four subpoenas went out on Feb. 14, Burton wrote.

Likewise, the Republicans' unilateral release on Feb. 25 of limited details of White House visits by Democratic contributors triggered Clintons' decision later that day to release the entire list of 938 persons who were overnight guests in the White House, some of them in the Lincoln Bedroom, since he entered the Oval Office.

Waxman contends that decisions on the gathering and release of information require an agreement between the two parties if there is to be a fair investigation. "A chairman has to be careful how to exercise his power because it can be abused," Waxman said. "Past investigations of this sort always have had a bipartisan understanding." He termed Armeý's criticism "a rationalization" for GOP partisanship and added that both parties must set aside such inclinations if they want a fair review.

Major questions remain unresolved about the House investigation, including its scope and relationship to the Senate Governmental Affairs Committee's planned review of the campaign finance follies. "I don't know that you need to avoid" House-Senate overlap, Armeý said. But Democrats have complained about redundant demands on executive agencies. Also, it is unclear how the possible appointment of a special counsel to review the problems might affect the legislative probes.

Regardless of how the Republicans proceed, Waxman contends that the House committee should gather all possible information about the campaign finance practices by both parties so that lawmakers can prepare new legislation. "As a practical matter, it may well take the investigations to get the legislation moving," he said. "If we can bring out in a systematic way the abuses that have occurred, it will be worth the millions of dollars" that the committee will spend.

Waxman was active as a junior Democrat in developing controversial campaign finance practices, such as setting up his own political action committee to support other Democratic candidates. But he sees no inconsistency in his emergence as a reformer. "It's a system that I found when I came here," he said. "But I've become thoroughly disillusioned by the money chase."

In all likelihood, Waxman won't get significant campaign finance reform. But the current inquiry could be another building block in the 57-year-old Waxman's wide-ranging legislative career.